UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/C.3/47/12
30 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 30 November 1992 from the Chargé d'affaires a.i. of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, the report of the Government of the Federal Republic of Yugoslavia which was submitted to and considered by the Human Rights Committee at its forty-sixth session, held in Geneva from 19 October to 6 November 1992.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 97 (c).

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.

Annex

REPORT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

INTRODUCTION

1. The Government of the Federal Republic of Yugoslavia, fully aware of its obligations under the International Covenant on Civil and Political Rights a/ and, in particular, of those arising from the provisions of article 40, paragraph 1 (b), has the honour to respond by means of the present report to the request addressed to it by the Human Rights Committee and transmitted by the letter dated 7 October 1992 from the Secretary-General of the United Nations. However, before answering the specific questions asked in paragraph 1 (a) to (d) of the request by the Human Rights Committee, the Federal Government would like to make a number of general comments.

2. First of all, both the Federal Government and a large part of Yugoslav public opinion are fully aware of the shortcomings with regard to observance and promotion of human rights in the Yugoslav internal order. The reasons for this situation lie, firstly, in the fact that the country was governed for practically half a century by an authoritarian, not to say totalitarian, regime in which human rights, as in every other communist country, did not measure up to the internationally recognized standards. Although the Socialist Federal Republic of Yugoslavia ratified practically all the international instruments relating to the development and realization of human rights, and although the legislation itself reflected these international obligations quite faithfully, the application of the laws and the practice of the authorities were often vitiated by a bureaucracy characterized by the totalitarian spirit. As soon as it took office on 15 July 1992, the Federal Government set itself, as one of its primary goals, the task of reshaping the internal public order so as to convert a "party-ruled State" into a State subject to the rule of law. How seriously the problem of promoting human rights has been taken is indicated by the setting-up of a new Federal Ministry, the Ministry of Human Rights and Minorities, with the aim of remedying a situation that was truly unsatisfactory in certain respects.

3. To be fair, already in 1990 the former Government introduced certain legislative amendments, such as the elimination from the Federal Penal Code of the offence of disseminating enemy propaganda and other crimes of opinion. These amendments were followed by a law amnestying persons who had previously been tried for such offences and a law appreciably reducing the powers of the police in the area of investigation by expanding the competence of the Judiciary in the context of the law on penal procedure. In addition, there was a new law on the association of citizens paving the way for political party pluralism, and another on public information, guaranteeing freedom of the press and the media in general. The Constitution of the Federal Republic of Yugoslavia, promulgated on 27 April 1992, abolishes capital punishment for the offences provided for in the Federal Penal Code, which undoubtedly represents an important step on the road to protection of one of the fundamental human rights, the right to life.

4. The Federal Government has carried on this work by drafting several bills relating to human rights in particular. The most important of these are, undoubtedly, the general amnesty bills concerning offences committed in connection with armed conflict, with the exception, of course, of serious violations of humanitarian law, in other words, war crimes and crimes against humanity. Work has also begun on draft legislation to govern the status of minorities. Similarly, completely updated legislation on penal procedure is in the course of preparation, providing maximum guarantees, in accordance with the Government's intentions, for the rights of the individual, both in the course of the investigation and throughout the procedure before the courts, including a fully guaranteed right of appeal. The primary purpose of this law would appear to be to place the police authorities under the strict supervision of the courts. Lastly, an electoral law guaranteeing fair, equitable and democratic elections at the federal level has recently been promulgated; this should permit the full exercise of the individual's political rights in this area.

5. Given the need for the present report to be brief and concise, it is obviously impossible to dwell at length on the details of these legislative amendments. The representative of the Federal Government would be happy to supply the relevant details if requested to do so by the members of the Committee. It should, however, be emphasized that the major problem involved in the realization and observance of human rights stems not so much from the legislation as a whole which, generally speaking, meets Yugoslavia's international obligations, as from the State apparatus whose duty it is to enforce the law. It is impossible to change overnight this apparatus, and the attitude of officials and even judges who, having been brought up under a communist regime, are adapting only with difficulty to what is for them a completely new situation. Even those who act in good faith, and their number is undoubtedly on the increase, are not always able, while applying the letter of the law, to grasp the spirit underlying it, and this of course means that the implementation of the law is often erroneous or deficient. If one adds the constitutional problem connected with competence, and by this we mean that under the terms of the Constitution the federal authorities enjoy only relatively limited room for manoeuvre for practical action, given that the administration of justice and the administrative function, including the police function, essentially fall within the competence of the two Republics constituting the Federation, the difficulties confronting the Federal Government in its efforts to ensure the effective protection of human rights become more comprehensible. These facts obviously cannot serve as an excuse for cases of human rights violations or, still less, serve to exonerate the Federal Republic of Yugoslavia from its international responsibility in this respect, but highlighting them would certainly help the members of the Committee to gain a better understanding of the actual situation in Yugoslavia. We wish to emphasize that the supreme organs of the Federation have announced and called for an amendment of the Constitution which would eliminate the problem of the delimitation of competence, broadening this competence for the benefit of the federal organs, particularly in the area of the protection of human rights.

6. A further adverse factor in regard to effective realization of human rights is the armed conflict that has devastated the former Yugoslavia, a conflict which, despite all efforts by the Federal Government, is still raging in Bosnia and Herzegovina, with day-to-day consequences that are sharply felt by our country and, unfortunately, will continue to be felt for a long time. The fact that Yugoslavia has split up in a very savage armed conflict has seriously harmed all the infrastructure of authority, at every level, including the forces of law and order, whose duty in every country consists in guaranteeing the safety of the man in the street. At the same time, all the social institutions have been affected, and this, along with the tragic collapse in the living standards, lies at the root of the resurgence of crime and general insecurity. Mr. Dobrica Cosic, President of the Federal Republic of Yugoslavia, described the country's situation quite frankly in a statement to the Federal Assembly on 16 October 1992. But the worst thing is the repercussions on the relations between the various ethnic groups and nationalities and between the national minorities and the majority people, the Serbs and the Montenegrans. As a result, therefore, of the fact that the armed conflict broke out first in Slovenia, then in Croatia, before the Federal Republic of Yugoslavia was established (on 27 April 1992), and later in Bosnia and Herzegovina, relations between the majority people and the national minorities (Muslims, Croats and others) have deteriorated - relations which, even shortly before, were relatively stable, indeed cordial. The conflict between the Albanians and Serbs, which had been brewing in Kosovo and Metohija since the beginning of the 1980s, has grown still worse. Yet another outcome of the conflict is the massive refugee influx into the territory of the Federal Republic of Yugoslavia of Serbs from Croatia and Bosnia and Herzegovina, and also other nationalities, more particularly Muslims. These refugees now number more than 500,000. Some of these people, fleeing from the conflict in the hope of saving their lives and those of their families, have arrived in the Federal Republic of Yugoslavia bringing with them their weapons, resolved to set up a new home, even if it means using force to achieve their aim, at the expense of people belonging to non-Serb nations (Croats and others), whom they regard as their "enemies" simply because they do not belong to the Serb nation. Despite the fact that the Federal Republic of Yugoslavia, as soon as it was founded, and above all after the federal army's withdrawal from Bosnia and Herzegovina around 20 May this year, proclaimed its firm intention to respect the territorial integrity of the newly created States on the territory of former Yugoslavia, an intention the Federal Government has scrupulously respected, all this has been compounded by yet another scourge, namely, the paramilitary groups.

7. At the beginning of the "Croat war", in the summer of 1991, various groups of volunteers emerged under the influence of ultra-nationalistic, not to say chauvinistic, party leaders, but also did so spontaneously, and they formed paramilitary units or militias which operated on their own account, beyond all official military control, both in Croatia and, at the present time, in Bosnia and Herzegovina. The same also happened in these two former Yugoslav republics, which are now internationally recognized States. Since its inception, the Federal Government, in close cooperation with the authorities of the republics of Serbia and Montenegro, has dismantled these

paramilitary groups, but unfortunately they have carried on in secret. At the present time, these people cross in secret from Serbia and Montenegro into Bosnia and Herzegovina, where they pillage and plunder, and often commit serious violations of humanitarian law. The new borders are difficult for the federal army and the border police to control, but the Federal Government has redoubled its efforts to put an end to this practice. Attempts have been made on a number of occasions, even on the territory of the Federal Republic of Yugoslavia, at "ethnic cleansing", but the authorities have reacted and taken firm steps to prevent such acts. The most extreme cases are mentioned later on in this report, as are the steps taken by the authorities against the people guilty of these misdeeds. Bearing in mind that, according to overall estimates by the authorities, scores of thousands of people illegally possess weapons, it is somewhat reassuring to find that incidents of this kind are not, for all that, as numerous as they might be. The Federal Government, taking firm action to recover these weapons, considers that this encouraging situation is due to its no less firm action against any attempted attack on persons who do not belong to the majority nation.

8. The Federal Government, in submitting its report to the Human Rights Committee, is inclined to believe that these introductory explanations will be of some help to the members of the Committee so that they can familiarize themselves - by an large - with the general situation and thus obtain a better grasp of the difficulties the Federal Government must overcome in its endeavours to achieve effective protection of human rights. Obviously, they can properly assess the measures taken to prevent and suppress violations, measures which are discussed in sections (a) to (d) of the present report.

9. It should be noted, to begin with, that no "ethnic cleansing policy" has ever been practised on the territory of the Federal Republic of Yugoslavia. As pointed out above, there have been attempts in this direction by some individuals or loosely organized groups, the purpose doubtless being to bring pressure to bear on people belonging to minority nations, Croats and Muslims in particular, and induce them to leave their homes.

10. This kind of pressure, exerted by people carrying weapons, threatening telephone calls and other clandestine actions, has frightened the non-Serb population and hence they have not had the courage to report it promptly to the appropriate authorities. This is, moreover, the main reason why the authorities have not reacted promptly and firmly. These acts (it is suspected that they were encouraged by certain ultra-nationalist political parties, and this is the subject of an inquiry) took place from May to September 1992 in some parts of Vojvodina, more particularly against the Croat population but also against Muslims in the region of Sanjak and in Montenegro. We shall discuss separately, as extreme examples, events in Vojvodina and in the area of Plevlja (Montenegro), and the steps taken to stop the situation from growing worse and to eradicate the consequences.

A. Vojvodina region

11. Such attempts at intimidation have taken place in Hrtkovci, Nikinci, Ruma, Ruski Kratur, Golubinci, Kukujevci, Novi Slankamen and Beska. They have been particularly frequent in Hrtkovci, where some 500 refugee families - Serbs fleeing from Croatia, including 350 ex-servicemen, most of them armed - were settled in early May. The effect, before the authorities reacted, was to drive some 200 families (600 people) out towards Croatia. The inquiry needs to answer the question whether there was any connivance between the refugees putting on the pressure and the local police authorities. The Ministry of the Interior of the Republic of Serbia is currently conducting an inquiry into 12 local officials in order to establish the facts. It should be pointed out that the local Serb inhabitants objected to this high-handedness and sided with their Croat fellow-citizens. Six incidents of direct physical attacks on non-Serbs were recorded in late June, and on 28 June tensions peaked after the killing of Mijat Stefanec. Thanks to joint action by the Federal Ministries of Justice and the Interior and the Ministries of Justice and the Interior of the Republic of Serbia, the situation has passed, peace and order have been restored, and the safety of all citizens, irrespective of nationality, and their property has been guaranteed. The following steps have been taken:

(a) Police forces and patrols have been reinforced in districts (villages) lacking police stations;

(b) Twenty incidents in which explosives were laid or hand-grenades used have been cleared up or investigated, with the result that 12 people have been arrested and legal proceedings begun against them;

(c) Eight persons have been detained for offences against the freedom and rights of person of another nationality, and legal proceedings against these eight are in progress;

(d) In a large sweep, 145 people have been charged with illegally carrying weapons, and large quantities of weapons and ammunition have been seized;

(e) The suspects in the killing of Mijat Stefanec have been detained and brought before the courts;

(f) People suspected of encouraging "ethnic cleansing" or of actually carrying out or instigating such human rights violations, namely, Ostoja Sibincic, Rade Cakmak, Milivoje Cakmak, Mirko Paunovic and Rade Miletic, have been detained and criminal proceedings against them are under way;

(g) On several occasions, senior officials from the Serbian ministries concerned, including the Minister of Justice, have visited the districts listed above, while the Federal Ministers of Justice and Human Rights and National Minorities have received delegations - combining Serbs and Croats - from the original inhabitants; as a result security has been restored and people are once again confident that the authorities will come to citizens'

aid and prevent future acts similar to those that previously occurred. It is quite certain that the official authorities of the Republic of Serbia never encouraged these illicit actions in any way, and there can be no question of any policy of "ethnic cleansing". Where local authorities have been guilty of omissions, which was certainly true at the beginning of these unfortunate events, it was more a question of negligence than of actual connivance with the miscreants. The inquiry conducted by the Ministry of the Interior of the Republic of Serbia will show what is what, and if fault is established, the culprits will suffer the consequences.

12. These steps have borne fruit, and efforts are being made to bring home and compensate the families who were forced to flee. The efficacy of these measures can be seen in the facts that in September, for example, there was not a single case of refugees being forcibly installed in houses belonging to persons of Croat nationality, while in July and August there were 34 such cases; in September, again, only four incidents of non-Croats being threatened with expulsion were reported, whereas in July and August there were in all 40 such incidents. Lastly, no incident of forced expatriation has been reported in the Vojvodina region since September.

B. Plevlja

13. The district of Plevlja (population 45,000) lies in that part of the Republic of Montenegro near the battlefields of Bosnia and Herzegovina. The population is mixed: Serbs, Montenegrans and Muslims. The war in neighbouring Bosnia has stirred national intolerance and animosity, and given rise to acts of terrorism. These generally take the form of bombs planted in shops and buildings. According to figures from the Montenegran Ministry of the Interior, over 80 bomb explosions have been reported in the State during 1992 (including 30 in Plevlja, 25 in Bjelo Polje, and 18 in the capital, Podgorica). The situation has been worst in the Plevlja district, as the number of explosions shows. Besides bombs and fires, certain extremist national parties have engaged in activities - or, more precisely, extremist members of those parties have applied pressure, in the form of verbal threats and open demands - to force the Muslims to leave. According to figures from the Montenegran Ministry of the Interior, several hundred Muslims have abandoned the commune of Plevlja (including the villages surrounding the town itself) during the year and gone to Turkey, Macedonia or Germany. It should also be remembered that, for example, around 100 Serbs and Montenegrans left the district of Rozaj, where Muslims are in the majority, over the same period. The National Assembly of the Republic of Montenegro has addressed this unsatisfactory situation several times since April this year, calling on the authorities to take forceful measures to ease tensions. Mr. Dobrica Cosic, the President of the Federal Republic of Yugoslavia, and Mr. Bulatovic, the President of the Republic of Montenegro, have visited Plevlja to use their political influence to ease the situation. To this end, the authorities have taken the following measures:

(a) Thirteen incidents in which bombs were planted in buildings owned by

Muslims have been investigated, the suspects have been arrested and an inquiry has been ordered without their knowledge by the competent court;

(b) Charges have been brought against a total of 21 people in Plevlja and Bjelo Polje for acts of terrorism against Muslims. Nine of the accused are also members of paramilitary organizations suspected of moving into Bosnia and Herzegovina from time to time, and the court will also consider these activities. All those investigated are of Serbian or Montenegran nationality. The police forces in Plevlja have been strengthened, especially since late September, and this has made citizens safer and put an end to the threats, pressure and bombings directed against the Muslims.

14. Finally, since August, strenuous efforts have been made throughout the region of Montenegro to recover weapons illegally in the possession of the population. As a result, 600 weapons, together with ammunition and explosives, have been confiscated.

15. The Montenegran Ministry of the Interior is conducting an investigation of 11 police officers in places where public order has been threatened, including Plevlja, to determine whether there has been any dereliction of duty regarding the protection of public order and peace. Early analyses point rather to negligence, but we must wait for the results of the official inquiry to know more.

16. According to the data available to the Federal Government, the pressure and threats against Muslims have ended, as have the mass departures. In this case, it is also quite clear that the authorities of the Republic of Montenegro have in no way instigated or supported the "ethnic cleansing", so that here again there can be no question of "official policy" in that direction.

17. Finally in this connection, it should be pointed out that all these attempts at "cleansing" have brought extremely negative reactions from the public in the Federal Republic of Yugoslavia, which has vociferously opposed all these violations of human rights, thereby helping the authorities of the Federal Republic of Yugoslavia, acting in full cooperation with the Serbian and Montenegran authorities, to put an end to the attempts of individuals or illegal groups to pursue such a "policy" in Yugoslavia.

18. In reply to this question, it should first be pointed out that no arbitrary arrests, "political" killings or disappearances of individuals have occurred in the territory of the Federal Republic of Yugoslavia. From the way in which the question is put, it might be inferred that the members of the Committee had in mind situations such as those which occurred in the past under the dictatorial regimes in Latin America, where individuals or private organizations (political party militia, paramilitary groups, etc.), acting on their own initiative, but with the agreement or approval of the authorities, or even with their tacit encouragement, illegally arrested, killed or abducted people. Fortunately, in Yugoslavia no such practice has come to light. However, even isolated cases could not have remained undetected, given the unquestionable freedom of the media in the Federal Republic of Yugoslavia. In

other words, the newspapers and independent TV channels, which are always very well informed, would certainly have unearthed any such incidents, as demonstrated most clearly by the revelation of an isolated case of this type which occurred, fortunately without serious consequences, at the end of June 1992 in Belgrade during the mass demonstrations organized by the opposition group DEPOS. A lighting technician was seized one evening in front of his apartment by a group of individuals and taken blindfolded to a sort of "private prison", where he was ill-treated for a few hours and accused of having "helped the opposition" by turning the public lighting on and off. After his attackers had taken him back home and released him, he made a statement to the press, which reported the whole incident. The authorities are currently endeavouring to find those responsible, a task which is made difficult by the fact that the victim was kept blindfolded at all times and was therefore unable to identify them or recognize the place where he was temporarily held. As can be seen, then, such things do not happen and there have been no cases of this nature, apart from those referred to above.

19. Despite all the difficulties encountered by the authorities of the Federal Republic of Yugoslavia and the federal republics in their efforts to strengthen respect for human rights, as described in the introduction to this report, the Federal Republic of Yugoslavia is an organized country in which the governmental authorities alone are legally empowered to deprive an individual of his freedom. The paramilitary organizations, which have been disbanded in the Federal Republic of Yugoslavia, and thus no longer exist, could not have carried out such acts. Furthermore, there is no record of such incidents having taken place even when those organizations were still active.

20. There are, however, cases of arbitrary arrest, i.e. arrests without legal grounds or resulting from abuses of authority committed - as indeed can happen in any other country - by public officials, or even police officers. Appropriate legal measures are taken on the basis of complaints made by the competent body or by individuals who have been the victims of unlawful acts or whose rights have been impaired in any manner contrary to the law.

21. According to the figures of the Ministries of Justice of the Republics of Serbia and Montenegro, the number of complaints of unlawful arrest made since the beginning of 1992 against public officials (police officers) is 101, approximately 50 per cent of which have been found to have no legal foundation. Twenty per cent of the offenders have been subjected to disciplinary measures and have been punished, criminal proceedings against 32 individuals are in progress and 12 verdicts have been pronounced.

22. Under the Criminal Procedure Act, the victims of these violations are entitled to compensation for mental and physical injury suffered during their unlawful detention. Such compensation is regularly awarded by the courts.

23. A particularly serious case occurred in Bosnia and Herzegovina on 22 October 1992. It involved the abduction of 17 Muslim citizens of the Federal Republic of Yugoslavia, whose fate is at present unknown, although it is suspected that they may have been arbitrarily killed. The newly-created border between the Federal Republic of Yugoslavia and the Republic of Bosnia

and Herzegovina cuts across the road linking two localities in the Federal Republic of Yugoslavia, the small town of Priboj and the village of Sjeverin, which are inhabited entirely by Muslims. About 10 kilometres of this road, which is the regular bus route between Priboj and Sjeverin, there being no other road, are in the part of Bosnia and Herzegovina controlled by the local Serbian authorities. It was on this stretch of road that an unidentified, but most probably Serbian, paramilitary group stopped the bus, kidnapped 17 Muslims and took them away to an unknown destination. Following this incident, the President of the Federal Republic of Yugoslavia set up a three-member special commission, and the Federal Minister for Human Rights and National Minorities, Mr. Momcilo Grubac, travelled immediately to the area to do whatever was necessary to find the persons in question and enable them to return to their homes. The Bosnian-Serb authorities, led by Mr. Radovan Karadzic promised to cooperate fully and to open an inquiry into the disappearance of the individuals in question. Acting in full cooperation with the authorities of the Republic of Serbia, a strengthened law enforcement unit of the Ministry of the Interior of that Federal Republic, together with a unit of the federal army, were sent to the village of Sjeverin to protect the inhabitants against any further such attacks.

24. Negotiations were opened with the local Serbian authorities in Bosnia so as to enable the police of the Federal Republic of Yugoslavia to patrol the section of road in Bosnian territory and to protect Yugoslav citizens obliged to travel along it. In the village of Sjeverin, the police arrested two members of a paramilitary group who turned up there, unaware of the increased police presence, and who are strongly suspected of having been members of the group of kidnappers. In view of the deep concern caused by this incident to the authorities and the inhabitants of the Federal Republic of Yugoslavia, the Federal Government feels it has a duty - although strictly the matter does not fall within the purview of this report, given that the incident occurred in an area not controlled by the Federal authorities - to report it to the Human Rights Committee as an illustration of all the obstacles encountered by the authorities in their efforts to promote observance of the human rights of the citizens of the Federal Republic of Yugoslavia and to protect them, regardless of their nationality or membership of any group.

25. In the territory of the Federal Republic of Yugoslavia, there are no "prison camps", as referred to in the question in paragraph (c). Prisoners of the "Croat war" have thus been exchanged through the International Committee of the Red Cross (ICRC) and under agreements between the Governments of the Federal Republic of Yugoslavia and the Republic of Croatia, while some 30 persons who have not yet been exchanged and are deprived of their freedom for reasons relating to the armed conflict, without necessarily being nationals of the Federal Republic of Yugoslavia, are in ordinary prisons, which are, moreover, under ICRC supervision and regularly visited by its delegates. The offences referred to in the question are therefore not being committed. In view of some indications that such cases existed at the time when there were prison camps, prisoners of war and civilian persons deprived of their freedom in connection with the armed conflict, the Federal Government conducted an inquiry in order to determine the truth of these indications and take the measures required by law against those responsible. Since the

inquiry is still in progress, however, it is impossible to say anything specific in this regard. We shall have to await the results. The Federal Government is, moreover, firmly resolved to bring to justice all persons (commanders, guards, etc.) who ordered or committed acts of torture and other serious violations of the Geneva Conventions against protected persons or who engaged in any other wrongful acts against prisoners.

26. Although there are no particular places of detention taking the form of "prison or concentration camps" in the territory of the Federal Republic of Yugoslavia, the fact that sentences are served in penitentiaries, the establishments prescribed by law, and persons under investigation or otherwise deprived of their freedom are in police stations or in pre-trial detention does not mean that officials responsible for guarding prisoners or persons under investigation do not, in some cases, commit abuses of authority and violations of the human rights of the persons for whom they are responsible. Such violations, which are punishable by both the disciplinary regulations and the provisions of criminal law, are prosecuted and the persons responsible are punished. In 1989, for example, guards at the prisons in Vranje and Leskovac (Republic of Serbia) ill-treated Albanian prisoners. These guards, of whom there were 13, were tried and sentenced to terms of imprisonment in accordance with the law.

27. In 1992, 84 officials have been reported for ill-treatment or extortion of confessions in the performance of their duties. All the cases have been investigated and about 40 per cent have been dismissed as groundless, while, in 20 per cent, disciplinary penalties have been imposed and in the other 40 per cent criminal proceedings have been instituted and are, at present, at different stages. Twelve convictions have been handed down.

28. The implementation of the measures prescribed by law against persons who advocate national, racial or religious hatred that constitutes incitement to national or other discrimination, hostility or violence is a very serious and sensitive issue. Not only is incitement to hatred and violence punishable under article 20 of the International Covenant on Civil and Political Rights; it is also punishable by national criminal legislation. It may be said that the legislation is well drafted and meets the country's international obligations, but public opinion and the authorities are increasingly coming to the conclusion that this is not enough. In other words, there is a lack of willingness to apply the legislation strictly, for the reasons given below.

29. In the last few decades in Yugoslavia, the democratic segment of public opinion has rightly criticized the criminal provisions on so-called "crimes of opinion" under which anyone could be tried on charges of so-called "enemy propaganda", even on account of very mild criticism of the regime. This criminal offence has, as indicated above, been abolished and the laws on the mass media have become very liberal. Consequently, in a part of the press, people may actually write anything they want, either as an article or in a report, but not commenting on statements made by leaders of certain ultra-nationalist political parties, some of whom are members of Parliament and are thus protected by parliamentary immunity. Strictly speaking, many of these articles and statements should come under the provisions of article 20

of the Covenant and the country's criminal legislation. In other cases, such statements and texts are often close to being offences.

30. In an atmosphere of intense nationalism, the public prosecutors' departments are, in the Federal Government's opinion, not being firm enough in instituting proceedings. It is also a well-known fact that it is often rather difficult, even for a good and conscientious jurist, to tell the difference between freedom of opinion and expression and incitement to the criminal offence of advocacy of hatred, violence, etc. Since there has not yet been any conviction for such offences in the Federal Republic of Yugoslavia, although there have been grounds, in several cases known to public opinion, for criminal proceedings on account of such statements, the Federal Government must admit that this is an omission which constitutes non-fulfilment of its obligations under article 20 of the Covenant. It should nevertheless be stressed that both the Federal and Republican authorities are seriously thinking about and working on the preparation of regulations to establish a better balance between freedom of expression and incitement to criminal offences, which are, moreover, in accordance with article 20 of the Covenant, already covered by criminal legislation. One of the practical steps to be taken for this purpose is to set up a monitoring body whose members would not belong to any political party and whose task would be to monitor national television, that of the Republic of Serbia, which, in a sense, is - and quite rightly so - the one most criticized for this type of statement. Other legislative and practical measures are being considered to put an end to this harmful practice.

31. Since so little time was available for the preparation of this report and it was difficult to obtain all the necessary data from the competent services and authorities so quickly, the Government of the Federal Republic of Yugoslavia does not consider the report either complete or definitive. It is determined to do everything it possibly can to ensure respect for human rights, not so much because this is Yugoslavia's duty under its international obligations as because the Government, and national public opinion, are aware that without full, comprehensive and firm guarantees of individual and civil rights it is not possible to establish a truly democratic and prosperous society. The Government will therefore continue to make every effort along these lines. In so doing, it is prepared, if the members of the Committee deem it necessary, to supplement this report. Accordingly, the Government has chosen experts who will be able to answer questions satisfactorily, in the hope that oral replies will supplement any parts of the report on which doubts may have been expressed or which may be regarded as an incomplete response to one of the questions asked.

Notes

a/ See resolution 2200 A (XXI), annex.